



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, APRIL 1, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Council Member Council Member Council Member	Bev E. Freeman Hedy L. Chang Cynthia J. Cook J. Robert Foster
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7:00 P.M.

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Don Hall, P.G. & E

History of 1997 Power Outages and Recently Planned Upgrades

INTRODUCTIONS

Julie Spier

Recreation Manager

Garrett Toy

Director of Business Assistance & Housing Services

CITY COUNCIL REPORT

Council Member Chang

CITY MANAGER'S REPORT

Status of Discussion on Pedestrian Crossing at the Depot
Public Works Director Jim Ashcraft

1997 Police Workload and Crime Statistics
Chief Steve Schwab

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR:

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually. Items pulled will be discussed following Other Business agenda items.

1. **A RESOLUTION CONTINUING LOCAL EMERGENCY**
Recommended Action: **Adopt** resolution.
2. **RESCHEDULING OF APRIL 1998 GENERAL PLAN AMENDMENT REQUESTS**
Recommended Action: **Adopt** a minute action to reschedule the April General Plan review date to May 20, 1998.
3. **BI-ANNUAL VACANCY RATE SURVEY**
Recommended Action: **Establish** the bi-annual vacancy rate at 2.19% as recommended by the Planning Commission.
4. **MORGAN HILL RANCH ASSESSMENT DISTRICT**
Recommended Action: 1) **Approve** the Resolution of Intent for the proposed assessment district and 2) **Approve** the Financial Advisor and the Bond Investment Bankers for the proposed assessment district and **authorize** the City Manager to contract with the Financial Advisor and the Investment Banker.
5. **APPROVAL OF A LABOR CONTRACT BETWEEN THE CITY OF MORGAN HILL AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 101**
Recommended Action: **Adopt** a Resolution to approve the attached Memorandum of Understanding with the American Federation of State, County and Municipal Employees (AFSCME), Local 101 for the period of July 1, 1997 through June 30, 1999.
6. **CHANGES TO MANAGEMENT, PROFESSIONAL AND CONFIDENTIAL EMPLOYEES RESOLUTION**
Recommended Action: **Adopt** the attached Resolution which changes selected job titles, salary ranges and benefits for Management, Professional and Confidential employees.

7. **APPROVE CITY MANAGER EMPLOYMENT AGREEMENT**
Recommended Action: **Authorize** the Mayor to execute an employment agreement with David M. Jinkens, City Manager.
8. **AGREEMENT FOR LEGAL SERVICES RELATED TO PERSONNEL MATTERS**
Recommended Action: **Authorize** the City Manager to execute the attached agreement for legal services with the firm of Whitmore, Johnson & Bolanos.
9. **PLANNING COMMISSIONER TERMS**
Recommended Action: **Discuss** terms for members of the Planning Commission and **provide direction** to staff, if appropriate, to bring back a draft ordinance revising terms of the Planning Commission to conform with terms of other City commissioners.
10. **VACATION OF A PUBLIC UTILITY EASEMENT IN THE MORGAN HILL BUSINESS RANCH**
Recommended Action: 1) **Adopt** attached Resolution thereby vacating a public utility easement (PUE) through the Morgan Hill Business Ranch between Sutter Boulevard and Jarvis Drive and 2) **Direct** the City Clerk to file a certified copy of the Resolution in the Office of the Recorder of Santa Clara County.
11. **AWARD OF CONTRACT FOR CONSTRUCTION OF STREET CRACK SEALING - JACKSON OAKS AREA**
Recommended Action: **Award** contract to Rubberized Crackfiller Sealant for the construction of the Street Crack Sealing -- Jackson Oaks Area Project in the amount of \$10,000.
12. **1997 ANNUAL WATER QUALITY REPORT**
Recommended Action: **Informational** item only.
13. **FINAL MAP ACCEPTANCE FOR ROSE HAVEN, PHASE II (TRACT 9003)**
Recommended Action: 1) **Approve** the final map and improvement plans, 2) **Authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) **Authorize** the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
14. **FINAL MAP ACCEPTANCE FOR KENDALWOOD (TRACT 9036)**
Recommended Action: 1) **Approve** the final map and improvement plans, 2) **Authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) **Authorize** the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
15. **APPROVAL OF REGULAR MEETING MINUTES OF MARCH 18, 1998**
16. **APPROVAL OF SPECIAL MEETING MINUTES OF MARCH 25, 1998**

LEGALLY NOTICED PUBLIC HEARINGS:

17. **DEVELOPMENT AGREEMENT: DA 98-01: SAN PEDRO-FRANCISCO**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.

Action- Motion to waive the reading in full of the ordinance approving the development agreement;
Motion to introduce ordinance by title only.

18. **ZONING AMENDMENT APPLICATION ZA 98-01: E. DUNNE AVE.-SHAW**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

The Planning Commission recommends approval of this application. Should the Council wish to take such action:

Action- Motion to Approve Negative Declaration.

Action- Motion to waive the reading in full of the ordinance approving the Planned Unit Development;
Motion to introduce ordinance by title only.

Staff does not recommend approval of this application. Should the Council wish to take such action:

Action - Motion to Deny.

OTHER BUSINESS:

19. **REQUEST FOR RECONSIDERATION BY MAYOR PRO TEMPORE FREEMAN REGARDING COUNCIL DISCUSSION AND APPROVAL OF ITEMS PULLED FROM THE CONSENT CALENDAR**

Recommended Action: 1) Approve/disapprove request for reconsideration and 2) If item is considered, then provide direction to staff regarding amendments to the Council Rules and Procedures for the Conduct of Meetings.

20. **SETTING THE TIME OF 7:30 P.M. FOR PUBLIC HEARINGS**

Recommended Action: Direct staff to revise Section 2.04.010 of the Morgan Hill Municipal Code to establish 7:30 P.M. as the earliest time for public hearings to be heard by the Council.

ROLL CALL VOTE:

The title having previously been read, no second reading is required. (Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

21. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1383, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill repealing Sections 1.12.010 through 1.12.030 of the Municipal Code regarding City Legal Holidays and replacing in its entirety with Section 1.12.010.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), Their Wills Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Legal Authority: Government Code Section 54956.9(a)

Title of Case: Morgan Hill Unified School District v. Minter & Fahey Construction Company, Inc.; Fahy Construction Company, Inc.

Case Number: CV772368

Court: Superior Court, County of Santa Clara

Parties: Morgan Hill Unified School District; Minter & Fahey Construction Company, Inc.; Fahy Construction Company, Inc.; City of Morgan Hill

Subject of Litigation: Construction defect related to Corporation Yard gasoline leak

Closed Session Topic: Authorization to retain Bergman & Wedner

CLOSED SESSION ANNOUNCEMENT:

ADJOURNMENT

FUTURE COUNCIL AGENDA ITEMS:

1. Review proposals for City Attorney Executive search
2. Personnel Commission Interviews
3. CDBG Hearing
4. Dunne Avenue and Madrone Area Studies
5. Flood Ordinance Update
6. Purchase Agreement - Nordstrom Park
7. Truck Route Ordinance
8. Special Meetings:
 - A) Wednesday, 4/8/98, 7:00 P.M., Parks and Recreation Commission Interviews
 - B) Saturday, 4/25/98, 9:00 A.M., Library Commission Interviews

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #17 and #18 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.